

# HOUSE BILL No. 1418

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 7.1-1-3-18.5; IC 7.1-3-5-2.

**Synopsis:** Definition of "grocery store" in alcoholic beverage law. Defines "grocery store" for purposes of the alcohol and tobacco law. Allows the alcohol and tobacco commission to renew or transfer a beer dealer's permit for a beer dealer who held a beer dealer's permit before July 1, 2007, and does not qualify for a permit as a grocery store under the definition of "grocery store".

**Effective:** July 1, 2007.

**Burton**

January 16, 2007, read first time and referred to Committee on Public Policy.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE BILL No. 1418

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A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 7.1-1-3-18.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2007]: **Sec. 18.5. (a) "Grocery store" means**  
4 **a store or a part of a store that:**

5           **(1) has the primary North American Industry Classification**  
6 **System (NAICS) classification 445110 or 452910; and**

7           **(2) is primarily engaged in the retail sale of a general food**  
8 **line, which may include:**

9               **(A) canned and frozen foods;**

10              **(B) dry goods, including tea, coffee, sugar, and flour;**

11              **(C) fresh fruits and vegetables; and**

12              **(D) fresh and prepared meats.**

13           **(b) The term does not include a store that has less than two**  
14 **hundred fifty thousand dollars (\$250,000) in annual gross sales of**  
15 **food, excluding the following:**

16              **(1) Candy, confectionaries, and chewing gum.**

17              **(2) Alcoholic beverages.**



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**(3) Cocktail mixers.**

**(4) Soft drinks, sodas, and other similar beverages.**

**(5) Medicines, tonics, vitamins, and other dietary supplements.**

**(6) Water (except natural spring water), mineral water, carbonated water, and ice.**

**(7) Pet food.**

**(8) Food furnished, prepared, or served for consumption at a location, or on equipment, provided by the retail merchant.**

**(9) Meals served by a retail merchant off the merchant's premises.**

**(10) Food sold by a retail merchant who ordinarily bags, wraps, or packages the food for immediate consumption on or near the merchant's premises, including food sold on a "take out" or "to go" basis.**

**(11) Food sold through a vending machine.**

**(12) Tobacco products.**

SECTION 2. IC 7.1-3-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The commission may issue a beer dealer's permit only to an applicant who is the proprietor of a drug store, grocery store, or package liquor store.

(b) The commission may issue a beer dealer's permit to an applicant that is a foreign corporation if:

(1) the applicant is duly admitted to do business in Indiana;

(2) the sale of beer is within the applicant's corporate powers; and

(3) the applicant is otherwise qualified under this title.

(c) The commission shall not issue a beer dealer's permit to a person who is disqualified under the special disqualifications. However, the special disqualification listed in IC 7.1-3-4-2(a)(13) shall not apply to an applicant for a beer dealer's permit.

(d) Notwithstanding subsection (a), the commission may renew a beer dealer's permit for an applicant who:

(1) held a permit before July 1, 1997; and

(2) is the proprietor of a confectionery or a store that:

(A) is not a drug store, grocery store, or package liquor store;

(B) is in good repute; and

(C) in the judgment of the commission, deals in merchandise that is not incompatible with the sale of beer.

**(e) The alcohol and tobacco commission may renew or transfer ownership of a beer dealer's permit for a beer dealer who:**

**(1) held a beer dealer's permit issued for a grocery store before July 1, 2007; and**

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1           (2) after June 30, 2007, does not qualify for a permit as a  
2           grocery store.

3           SECTION 3. [EFFECTIVE JULY 1, 2007] (a) The validity of a  
4           beer dealer's permit in effect on June 30, 2007, is not affected by  
5           IC 7.1-1-3-18.5, as added by this act.

6           (b) This SECTION expires July1, 2008.

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